

THE NEWS OF NORFOLK ON PAGES 2, 3, 5 & 11.

COURT DECISIONS.

DIGESTED BY W. B. MARTIN.
EXCLUSIVELY FOR
VIRGINIAN-PILOT.

Notes of Cases Recently Decided,
Which are of Interest to
Our People.

OETERS V. S. L. KNIGHTS OF
HONOR.

Supreme Court of Appeals of Virginia.
March 15, 1900.

THE FILING OF A BILL OF PARTI-
CULARS WITH THE PLEA OF
NON-ASSUMPT DOES NOT AF-
FECT THE CHARACTER OF THE
PLEA. THE BURDEN OF PROOF
IS STILL ON THE PLAINTIFF.

DECLARATIONS OF ONE PARTY
RELEVANT TO THE ISSUE ARE
ADMISSIBLE WHEN OFFERED
BY THE ADVERSE PARTY.

In this case the defendant, on mo-
tion of the plaintiff, filed with its plea
of non-assumpst the grounds of its de-
fence, which were that plaintiffs in-
testate had been suspended as a mem-
ber of the Knights of Honor for non-
payment of dues, and had never been
reinstated, and therefore the plaintiff
could not recover any insurance on his
intestate's life.

The court says:
Non-assumpst is a negative plea, and
requiring the defendant to state his
grounds of defence under that plea
does not change its character. The
whole object of the statute under which
such a requirement is made of a de-
fendant is to give the plaintiff reason-
able notice of the particular defence
upon which the defendant expects to
rely. The issue of non-assumpst is so
broad and embraces such a variety of
defences that it gives little information
to the plaintiff of the case which he is
expected to meet. He was often sur-
prised, and there was not unfrequently
a miscarriage of justice, and it was
these evils which the statute was de-
signed to remedy. The character of
the plea is in no degree changed. The
specification of defences does not con-
vert the general issue into a special
plea or a negative defence into an af-
firmative one. Its whole object and
effect is to limit the scope and opera-
tion of the general issue and to con-
fine the introduction of evidence to the
particular defence which the defendant
has disclosed. The burden of proof
then was still upon the plaintiff.

Upon this pleading, the plaintiff,
Diedrich Oeters, took the stand and
testified that he was a brother of
Martin Oeters, who died in 1895, and
who held a benefit certificate in the
Knights of Honor, which was found
among his papers after his death. This
benefit certificate was put in evidence,
accompanied by the application for
membership, and two letters, one writ-
ten by George H. Reith, reporter of the
Monroe Lodge, Knights of Honor, and
the other by Maraden Bellamy, Su-
preme Dictator, Knights of Honor, and
both addressed to the plaintiff.

Certain interrogatories propounded
to the defendant by the plaintiff and
the answers thereto, with certain pa-
pers accompanying them, were also in-
troduced, and this was all the evidence.
Thereupon the defendant demurred,
and the jury rendered a verdict for the
plaintiff subject to the demurrer, upon
which the court entered a judgment for
the defendant. A writ of error was
awarded to this judgment upon the pe-
tition of Diedrich Oeters.
The contention of the plaintiff in
error is that having introduced evi-
dence showing that Martin Oeters had
been admitted as a member of the
Knights of Honor and that a certificate
had been duly issued to him as such,
the presumption is that he was at the
date of the certificate a member in
good standing of that order, and this
status, this good standing, is presumed
to continue until his death, and casts
upon those who controvert it the bur-
den of proof to show that at some pe-
riod between the date of the issue of
the benefit certificate and his death his
rights as a member in good standing
had been forfeited for failure upon his
part to comply with his duty to the
order.

Upon the part of the defendant, it is
contended that the right of Diedrich
Oeters to recover is conditioned upon
the death of Martin Oeters as a Knight
of Honor in good standing, that this
was a condition precedent to any re-
covery, and was put in issue by the de-
fendant's plea of non-assumpst, and
that the issue of the certificate is not
sufficient to maintain the claim upon
the part of the plaintiff.

In the view that we take of the case
this feature of the controversy need not
be decided. Plaintiff introduced and
read in evidence two letters. [Here fol-
low the letters.]

These letters were obviously written
in answer to communications from the
plaintiff demanding payment of the
certificate issued to his brother, Martin
Oeters. They could not have been in-
troduced by the defendant, but when
offered by the plaintiff were, of course,
admitted. The statements made in
them are clearly relevant to the issue
before the jury, are uncontradicted by
any other evidence in the record, and
are therefore to be taken as tending to
prove the facts stated in them. We
need not undertake to measure and de-
fine their exact probative force and ef-
fect. It is enough that they are decla-
rations of the defendant offered by the
plaintiff, and are germane to the issue.
The case then before the jury was, that
Martin Oeters having taken out a bene-
fit certificate in the Knights of Honor,
was suspended on January 1, 1895, for
the non-payment of the assessments
made against him in December, 1894,
and was, therefore, not a member of
the order at the time of his death. See
Knights of Honor v. Oeters, 95 Va. 610.

DURING THE SUMMER SEASON,
cramps come upon us suddenly and re-
main until the pain is driven away by a
dose or two of PAIN-KILLER, the cele-
brated cure for all summer complaints,
from simple cramps to the most aggra-
vated forms of cholera morbus or dysen-
tery. No household should be without
the Pain-Killer. Avoid substitutes, there
is but one Pain-Killer, Perry Davis'. 25c.
and 50c.

The judgment of the Law and Equity
Court is affirmed.

MITCHELL V. EURE.

Supreme Court of North Carolina.
February 27, 1900.

WHERE A SON ASSIGNED HIS
PROPERTY TO SECURE A DEBT
TO HIS FATHER WITH INTENT
TO DEFRAUD OTHER CREDIT-
ORS, THE TRANSFER IS VOID,
THOUGH NEITHER THE TRUS-
TEE NOR THE FATHER KNEW
OF THE FRAUD.

The Court says:
The defendants made exceptions to
that part of the charge of the court
concerning business transactions be-
tween insolvent children who had dis-
posed of property to their father as
against other creditors. That part of
the charge is in these words: "The
law scrutinizes transactions between
insolvent relations with their near re-
lations, and when it is shown or ad-
mitted that the transaction relied upon
is between a father and insolvent chil-
dren, as against another creditor, the
plaintiff will have sufficiently made out
a case to shift the burden of the first
issue to the defendants." There is no
merit in the exception. His Honor fur-
ther instructed the jury that, if the in-
tent of the Eures (defendants) was
fraudulent, it was immaterial whether
the father knew it or not. There was
no error in the instruction. This is not
a case in which a grantor, with a
fraudulent purpose himself, conveys
property to an innocent purchaser for
value, but it is a case where a debtor
makes a voluntary assignment to se-
cure creditors; and, if his purpose is
to perpetrate a fraud on the other credi-
tors, the deed is fraudulent and void,
although neither the trustee nor the
beneficiary under the deed participated
in, or knew of, such fraudulent intent.

ATLANTIC CITY.

Samuel Jones, a colored man about
45 years old, was run over and killed
in Atlantic City Ward Sunday night
about 10:30 o'clock by a street car on
its way from Lambert's Point to the
city. His body was horribly mangled,
his right leg being completely severed
from the body, his skull fractured and
his body almost cut in twain.

The coroner's jury yesterday said
that he came to his death by being run
over by Car No. 33, of the Norfolk street
railway, and expressed the belief that
the occurrence was accidental.

Sunday night at the hour mentioned
Jones and another colored man named
William Curtis, en route from Mallory-
town, were crossing trestle No. 1, run-
ning through Redgate avenue. Curtis,
according to his testimony before the
coroner's jury, heard a car coming and
jumped from one track to the other, at
the same time telling his companion to
do the same thing. The latter was
near the end of the trestle and thought
that by running he could get out of the
way, but when still on the trestle the
car struck him.

Motorman Nicholson and Conductor
Hall were arrested immediately after
the accident and gave bond in the sum
of \$100, with Assistant Superintendent
Jennings as surety, for their appear-
ance in the Police Court. The cases
were continued by Justice Tomlin, of
the Police Court, yesterday morning.

The victim was an oyster shucker at
Atwood & Bacon's Atlantic City oyster
house. He leaves a wife and several
children in Williams' Row, in that
ward.

BREVITIES.

The protracted meeting commenced
Sunday night at LeKies Memorial
Methodist Church, has started out
under the most favorable circum-
stances. A large congregation attended
the services last night and paid the
most earnest attention to a forceful
sermon by Rev. Graham H. Lambeth.
The indications point to a gracious out-
pouring of the Holy Spirit.

The Earnest Workers of Central Ave-
nue Baptist Church will have their
regular weekly meeting to-night. A
full attendance of members is desired,
as business of much importance will be
considered.

The regular weekly meeting of the
Crescent Social Club will be held to-
night, when it is expected that final ar-
rangements will be made for the proposed
entertainment to be given by the club.

A lively interest was manifested by
the members in the meeting of the
Junior Society of Christian Endeavor of
Colley Memorial Presbyterian Church
Sunday afternoon. The program was
an exceedingly attractive one.

MARINE NOTES.

GATHERED ALONG THE NORFOLK
WATER FRONT.

The British steamer Rappahannock,
Captain Foall, which sailed for London
April 29th from Newport News, is re-
ported to have arrived at her destina-
tion Sunday, 6th instant. She had been
in collision with the Norwegian steamer
Florida, Captain Hansen, from Rotter-
dam for Philadelphia. The Rappahan-
nock was in bad condition when she
arrived, leaking, with five plates dam-
aged on her starboard side from the
collision. The damage to the Florida
has not been reported.

Captain James, of the Merchants' and
Miners' steamer Dorchester, reports
passing early last Friday morning, Cape
Henry lighthouse bearing southwest,
the side of a vessel with timbers at-
tached. The derelict was in mid chan-
nel and a dangerous obstruction.

The Chesapeake and Ohio freight
steamer Greenbrier sailed from London
for Newport News May 6th.

The steamship Begonia sailed for
Newport News from Rotterdam Thurs-
day, May 4th.

The British steamship St. Hubert
sailed May 5 from Fernandina, Fla., for
Hamburg via Norfolk.

Captain J. W. Phillips will to-day re-
ceive at his port his recently pur-
chased steamer, the "Teddie," that will
run between Norfolk, Newport News
and Chautauque. The "Teddie" is a
staunch little craft of about eighty-five
tons and was purchased at New Lon-
don, Conn. She will be ready to go on
her run in about a week.

Thus far no tidings have been re-
ceived from the fifteen seamen of the
wrecked British steamer Virginia on
the Diamond Shoals last week, and it
is likely that they have perished be-
neath the waves. The revenue cutters
Algonquin and Onondago, of this dis-
trict, are, however, continuing their
search for the unfortunate men.

WITH THE PREACHERS.

Movement to Secure a Better
Observance of the Sabbath.

The Hawking of News Papers and the Sale
of Articles Other than Medicines on the
Sabbath Condemned—Strong Resolu-
tions Adopted and Committees Ap-
pointed.

The meeting of the ministers of the
various Protestant denominations at
Epworth Methodist Church at 12
o'clock m., yesterday, was largely at-
tended by ministers from this city,
Portsmouth and Berkeley.

On motion of Rev. Dr. H. E. Johnson,
of Cumberland Street M. E. Church,
Rev. B. D. Tucker, D. D., of St. Paul's
P. E. Church was made permanent
chairman and Rev. Daniel T. Merritt,
of the Huntersville M. E. Church was
elected permanent secretary.

The chairman stated that the Confer-
ence had been called to consider the
question of a better observance of the
Sabbath and asked Dr. Johnson to
bring the subject in some specific form
before the meeting for its action. The
Doctor said the crying of newspapers
on the streets of Norfolk, in front of
the doors of the churches on Sunday
had greatly increased, continuing
throughout the entire day and even in-
to the night, and that it was an evil
that led up to other evils and ought to
be stopped. It had already been sup-
pressed in Richmond and Baltimore
and he thought that Norfolk ought to
place herself on record in a movement
to suppress the practice here. Dr.
Johnson then offered the following re-
solution, which was unanimously
adopted:

Resolved, That a committee composed
of one representative from each denomi-
nation be appointed to wait on the
Mayor and the City Councils, and re-
quest them to stop the practice of cry-
ing newspapers for sale on the streets
of Norfolk on the "Lord's Day."

The following committee was ap-
pointed: Episcopal Church—Rev. Dr.
H. E. Johnson, Presbyterian—Rev. C. W.
Maxwell, Christian—Rev. Dr. J. P.
Barrett, Lutheran—Rev. J. E. Shenk,
Disciples—Rev. Ben C. Herr.

The subject of Sabbath desecration
was generally discussed, the majority
of the speakers taking the ground that
the crying of newspapers on the streets
on Sunday by boys was but a small
factor in Sunday violations.

Dr. Grammer, of Christ P. E. Church,
while condemning the hawking of news-
papers on the streets on the Sabbath,
said the growing example of the drug
stores keeping open on the Lord's Day
and selling many other articles than
medicine should be looked into. He
said that clerks are kept in the stores
all day Sunday, and deprived of the
privilege of attending divine services.
He knew of one young man who barely
gets an opportunity to attend church
on the Sabbath, and he thought that
the work of this committee should not
cease with the simple stopping of the
hawking of newspapers, but other viola-
tions of the day should be looked after
and as far as possible stopped. Pending
this discussion a motion to appoint a
committee of prominent laymen from
the several churches to co-operate with
the ministers was adopted and the fol-
lowing gentlemen were named:

Episcopal Church—Capt. W. W. Old,
Methodist—W. W. Vicar, Baptist—Jas.
L. Winston, Presbyterian—R. S. Cohn,
Christian—A. M. Elery, Lutheran—D.
P. Paul, Disciples—Dr. R. H. Walker.
Rev. Geo. W. Lawson spoke in
strong terms against the growth of
Sunday violations in Norfolk and its
suburban settlements, in the matter of
the selling of liquor, and the open gro-
cery stores carrying on a regular
business the same as on any week day.
He referred to a brass band being at the
City Park on Sunday last year, and the
turning of it into a regular beer gar-
den. He said it was a crying shame
and he was willing to go before any
court and testify to these constant in-
fringements of the sacred rights of the
Sabbath.

A suggestion that the ministers pre-
sent from Portsmouth be organized into
a committee for similar work in that
city, was on motion left with them to
call a meeting for that purpose.

Rev. Dr. Mack of the First Presby-
terian church said that the work ought
not to stop with the suppression of the
selling of newspapers on the streets on
Sunday, but the committee ought to
be empowered to bring in a report of
the actual number of violations of the
statute laws in regard to Sunday ob-
servance. He said, that as the work had
been begun, it should not stop until an
end had been put to all these viola-
tions.

Dr. Grammer endorsed the views of
Dr. Mack.

Dr. Mack offered the following, which
was adopted:
Resolved, That the committee already
appointed from the various denomina-
tions is hereby instructed to prepare a
list as far as may be possible of the
forms of Sabbath desecration, which
are in open violation of our State laws
and report to this body at a meeting
to be held two weeks from to-day.

After the adjournment of the general
meeting, the special committee met and
elected Dr. Tucker as its chairman and
proceeded to map out a plan of its
work.

METHODIST MINISTERS CONFER- ENCE.

Rev. R. M. Chandler, president, called
the Methodist preachers meeting to
order yesterday and prayer was made
by Rev. John A. Jefferson, a local Me-
thodist preacher of Petersburg.

The call of the churches was taken
up and the following responded:
Rev. S. C. Hatcher had a fine congre-
gation at Queen Street Church Sunday
morning and a fair audience at night.
He received one on profession of faith.
At McKendree Rev. W. R. Proctor
had fine congregations and a large
Communion service.

Rev. Daniel T. Merritt had pleasant
services at Huntersville and a fine Ep-
worth League meeting in the after-
noon. He had three accessions to the
church.

Rev. A. Coke Smith, D. D., had his
usual large congregations at Epworth
and a Communion service in the morn-
ing. He received five new members.
Rev. W. R. Crowder reported that
Rev. W. G. Starr, D. D., preached
twice for him Sunday. In the morning

at Durby's and in the afternoon at
Bethel. He raised \$500 for the 20th
Century fund.

Rev. John A. Jefferson reported Meth-
odism in Petersburg on the upward
grade. Rev. B. F. Lipscomb had just
closed a fine meeting at Washington
Street church where he had about 50
conversions.

Rev. E. H. Rawlings received 59 on
profession of faith at Monumental,
Portsmouth, Sunday, and will receive
about 20 next Sunday. The remainder
of the converts will unite with other
churches.

At Central, Portsmouth, Rev. R. F.
Bendles received three on profession
of faith, two by certificate and had one
conversion Sunday night.

Rev. J. W. Latham is conducting a
revival at Park View. He had five con-
versions last week, received two on
profession of faith and four by certifi-
cate.

Rev. Dr. H. E. Johnson preached to
a large congregation at Cumberland
Street in the morning. At night the
Anniversary of the Florence Crittenden
Home was held.

Rev. Geo. E. Booker has commenced
a protracted meeting at Wright Mem-
orial, with a favorable outlook for a
gracious revival.

Rev. W. C. Vaden preached at Port
Norfolk Sunday morning and the pastor
Rev. J. P. Carey at night. He received
one on profession of faith.

Rev. R. T. Walterfield had fine con-
gregations at Owens Memorial. He had
two accessions on profession of faith,
and one by certificate.

Rev. R. M. Chandler preached to a
large congregation at Centenary Sun-
day morning and had a good audience
at night. By request he gave a very in-
teresting analysis of his morning ser-
mon for the benefit of the preachers.

SUNDAY SCHOOL METHODS.

The "Subject of Sunday School
Methods" was taken up and the discus-
sion was opened by Dr. A. Coke
Smith, who spoke earnestly and to the
point and was followed by Rev. G.
Wesley Jones, Rev. J. F. Carey and Dr.
H. E. Johnson.

BRIEF ITEMS OF INTEREST.

Mr. W. P. Oberndorfer and son Mon-
roe have gone to New York for the
benefit of the latter's health.

Mr. W. B. Newgass, of London, was
among the arrivals in Norfolk yester-
day.

Norfolk policemen are now being
fitted out in their summer uniforms. A
representative of the Hub Clothing
Store yesterday took the measure of
the entire force and in a few days they
will don their new garments.

Rev. Dr. J. J. Taylor, of Freemason
Street Baptist Church, will attend the
Southern Baptist Convention at Hot
Springs, Ark. His pulpit will be sup-
plied next Sunday by Rev. Dr. A. E.
Owen, of Grace Baptist Church.

Post B., of the Travelers' Protective
Association, has elected Mr. L. W.
Davis a delegate to the National Con-
vention at New Orleans, which in-
cludes a trip to Havana.

The Select Council will convene in its
May session this evening.

Mr. H. T. Law, of the Church of
Christ (Disciples), spoke at the Union
Mission last night.

Mr. Lloyd, wife of Rev. Dr. A. S.
Lloyd, has joined him at their future
home, Orange, N. J. Their children will
follow to-day.

Miss Rhonie Kahn, who has been vis-
iting her aunt, Mrs. L. Hornthal, in
Ghent, has returned to her home, in
Baltimore.

Rev. C. Q. Wright, chaplain U. S. N.,
now attached to the U. S. S. New York,
which arrived in Hampton Roads Sun-
day from San Juan, Porto Rico, paid
a visit to Norfolk yesterday and was
warmly received by his friends.

Mrs. Lullie Wolfe, of Middlesex coun-
ty, is the guest of her sister, Mrs. Fan-
nie Eastwood, and brother, Edward M.
Johnston, of Norfolk.

The Brambleton German Club gives
its last german of the season at Mon-
tefiore Hall to-morrow night.

Mr. M. P. Greene and wife, of Alex-
andria, are at the Monticello.

Mr. C. W. Warden, of Staunton, is in
the city.

Mr. T. M. Turrentine, of Wilmington,
N. C., is in Norfolk on business.

Mr. Robert Haskins, of Clarksville, is
in the city, stopping at the Monticello.

Mr. W. B. Hodson, of Lynchburg, is
at the Atlantic.

Mr. Wm. Godfrey, of Hoffman, N. C.,
arrived in the city yesterday.

Dr. W. P. Hoy, of Williamsburg, is
in the city on business.

Norfolk Boys Coming.

The Richmond Times of Sunday says:
"Colonel G. Percy Hawes, chairman of
the Military Committee, is receiving
daily communications from all points of
the State in regard to the military fe-
tures and the grand military parade.
Yesterday morning he received a letter
from Norfolk, stating that the Jackson
Light Infantry (Captain T. J. Notting-

ham), Norfolk City Guards (Captain B.
V. Salomonsky), Lee Rifles (Captain V.
C. Burrows), forming a battalion of
their own, would arrive here on the
16th of May with an excellent band of
Norfolk's best talent, and would take
part in the parade on the following
day.

"This is a fine body of men and will
add greatly to the already magnificent
gathering of military."

Ground to be Consecrated.
Rev. Dr. H. E. Johnson has arranged
to have the ground broken for the new
Cumberland Street M. E. Church Mon-
day afternoon, the 28th instant, when
he will hold a consecration service, a
program for which is now being ar-
ranged. Bishop John C. Granberry
will be present and deliver the address.
It has been a time-honored custom with
Dr. Johnson to consecrate ground set
apart for the erection of a new edifice
by the congregation of which he is the
pastor, and he proposes to make the
forthcoming occasion one of great soli-
munity.

Appointment of Physicians.
Though the hospital appointments to
be made from the graduating class of
the Medical College of Virginia at Rich-
mond have not been announced, the
Richmond Times says it is thought
that Dr. John E. Harris, of Ebony, and
Dr. E. H. Terrell, of Emmet's, will be
appointed to be resident physicians at
St. Vincent's hospital and the Protest-
ant hospital, respectively.

"Murder will out." Impurities in the
blood will also be sure to show themselves
unless expelled by Hood's Sarsaparilla.

OTHER LOCAL ON PAGE 11

The Saks Store
234, 236, 238 Main Street.

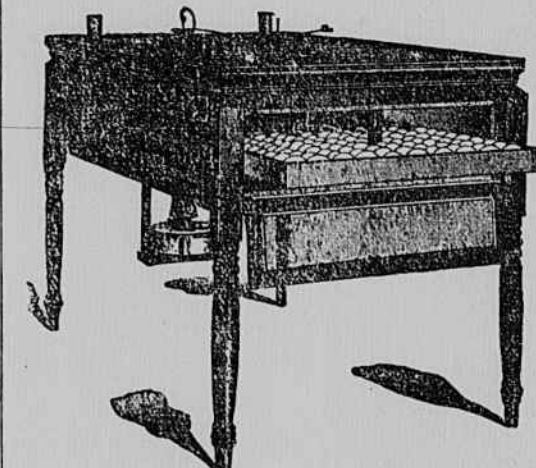
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**Men's
Pants** 1000 Pairs
of Men's
Fine Wors-
ted Pants
neat effects,
perfect fitting, strictly all
worsted, worth \$5, \$6
and \$6.50; go on sale to-
morrow morning at

\$2.98.

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Prairie State Incubators and Brooders.



Incubators are
from 50 egg to 300
egg capacity and
range in price from
\$6.00 to \$32.00. Brood-
ers we have to cor-
respond in size and
price. Indoor and
outdoor, different
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Will be pleased to
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line. Large illustrat-
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Poultry Supplies.

Woven, plain and
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GEO. B. TODD, vice-president and mgr.,
E. C. GUNTHER, secretary and treasurer.

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varies according to his pleasure. Our
customers are invariably pleased. We
pride ourselves upon the uniform excel-
lence of our laundry work.

MONTICELLO MODEL LAUNDRY

OFFICE: 105 GRANBY ST.
ALBERT GERST, Mgr.

BUG-I-GIDE

—NON-POISONOUS.—
The Great Insect Destroyer for Bed-Bugs, Roaches, Ants,
Fleas, and All Insects:

25c. Per Bottle. Prepared by
MCCURDEY & MCCURDEY,
PRESCRIPTION PHARMACISTS,
406 Main Street, Opp. Hotel Norfolk. 733 Church Street, Cor. Calvert
NORFOLK, VA.

At Any Time in the Day

You will find the woman who
has a Piano enjoying herself. A piano
is a sure cure for the blues; it is both a
luxury and a necessity. Our easy
terms enables every one to buy.
**Stieff's Own
Branch Warerooms
66 Granby Street.
Phones 1109. PIANOS TUNED.**

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Millinery For Easter
Week

We have received in addition to our
stock FIFTY DOZEN LEOPARD
HATS, ranging in price from 68c. to
\$2.00. A large assortment of FANCY
HATS in Chip, Neapol, Tan, Fine
Straw and all other kinds of brands.
The newest WALKING HATS. New
follage, flowers, egrets and ornaments.
In fact, we have an immense stock
of all kinds of MILLINERY GOODS.
We will guarantee our prices. The
ladies are respectfully invited to ex-
amine our goods.
No trouble to show them.

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162 Church St.